IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

OP.No. 1227 of 1995(U)

PETITIONER:

JALAJA, TECHNICIAN (PHARMACY)
GOVERNMENT AYURVEDA COLLEGE, TRIVANDRUM.

BY ADV. SRI.S.JAMES VINCENT,S.J.BHOJARAJ

RESPONDENTS:
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1. **THE STATE OF KERALA, REP.BY**
   THE CHIEF SECRETARY TO GOVERNMENT,
   SECRETARIAT, TRIVANDRUM 1.

2. **THE SECRETARY TO GOVERNMENT (HEALTH),**
   SECRETARIAT, TRIVANDRUM 1.

3. **THE PRINCIPAL, GOVERNMENT AYURVEDA**
   COLLEGE, TRIVANDRUM.

4. **N.GOPALAKRISHNA SHARMA,**
   JUNIOR SCIENTIFIC OFFICER,
   GOVERNMENT AYURVEDA COLLEGE HOSPITAL,
   TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN
SRI.G.UNNIKRISHNAN
SRI.P.V.RAMESH SHANKAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.1227/1995

ORDER ON CMP. NO.2127/1995 IN OP. NO.1227/1995

DISMISSED

19.07.2007 SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE G.O.(P) NO.30/83/HD DT. 8.2.83 PUBLISHED IN KERALA GAZETTE NO.22 DT. 31.5.83.

EXT.P2:- COPY OF THE LETTER NO.E1/6223/89/AVC DT. 15.6.89 ADDRESSED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE LETTER NO.B-1644/86/AVCH DT. 29.7.89 ADDRESSED BY THE SUPERINTENDENT, GOVERNMENT AYURVEDA COLLEGE HOSPITAL, TRIVANDRUM TO THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE GO(RT)NO.3802/89/H&FWD DT. 27.12.1989 ISSUED BY THE GOVERNMENT.

EXT.P5:- COPY OF THE ORDER NO.E1/6223/89/AVC DT. 1.1.90 ISSUED TO THE 4TH RESPONDENT BY THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE REPRESENTATION DT. 3.1.90 SUBMITTED BY THE PETITIONER TO THE HONOURABLE MINISTER FOR HEALTH AND FAMILY WELFARE.

EXT.P7:- COPY OF THE LETTER NO.E1/15005/89/AVC DT. 10.2.90 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT.

EXT.P8:- COPY OF THE F.O.(MS) NO.63/69/HEALTH DT. 28.2.69 ISSUED BY THE 1ST RESPONDENT.

EXT.P9:- COPY OF THE CERTIFICATE NO.E1/1589/AVC DT. 12.2.90 ISSUED TO THE PETITIONER.

EXT.P10:- COPY OF THE MEMORANDUM NO.71256/SD-5/65/PD DT. 8.10.65.

EXT.P11:- COPY OF THE PETITION DT. 10.1.95 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT

OP. NO.1227/1995

EXT.P12:- COPY OF THE JUDGMENT DT. 15.12.93 IN OP. NO.9489/89 OF THIS HONOURABLE COURT.

EXT.P13:- COPY OF THE JUDGMENT DT. 20.12.93 IN OP. 1496/90 OF THIS HONOURABLE COURT.

EXT.P14:- COPY OF THE LETTER NO.E1-1153/94/AVC DT. 28.3.94 ADDRESSED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

tss

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 1227 of 1995 (U)

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Dated this the 19th day of July, 2007

J U D G M E N T

This original petition is filed by the petitioner aggrieved by the appointment of the fourth respondent in the upgraded post of Junior Scientific Officer, as per Ext.P5 order. The petitioner was working as Technician (Pharmacy) in the Government Ayurveda College, Thiruvananthapuram. She entered service as Technician (Pharmacy) on 20/09/1979. The post of Technician (Pharmacy) is included as category 5(f) in Ext.P1 Special Rules. The petitioner's contention is that the fourth respondent entered service only on 01/08/1980 as Technician (Laboratory) Grade-I. There was a proposal to sanction one upgraded post of Laboratory Technician Grade-I as Junior Scientific Officer, which was finally sanctioned by the Government as per Ext.P4. In Ext.P4, the Government had ordered that the seniormost qualified hand shall be appointed against the upgraded post in the absence of Special Rules. Apprehending that the fourth respondent will get a march over her in the matter of

appointment in the upgraded post, she submitted a representation to the third respondent on 30/12/1989. As per Ext.P5, the fourth respondent was appointed by the third respondent. The petitioner filed another representation, which is produced as Ext.P6, and the third respondent gave a reply as per Ext.P7 which was against her. The petitioner subsequently approached the first respondent, as per Ext.P11 representation, praying that the Government may be pleased to abstain from regularising the promotion of the fourth respondent before revising the Special Rules.

2. Along with the original petition, the petitioner had filed C.M.P.No.2127/1995, wherein an interim order was passed on 24/01/1995.

If Ext.P11 representation is still pending, the same will be disposed of by the competent authority after hearing the parties as expeditiously as possible.

With the above directions, this original petition is disposed of. No costs.

T.R.RAMACHANDRAN NAIR,
Judge

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T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 1227 of 1995 (U)

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J U D G M E N T

19th July, 2007